

The Doctor's Cow.

Injured by Motor Lorry.

Claim for Damages.

Dr. John Macpherson, of Granville, was the plaintiff in a case at the Parramatta District Court, last Thursday.

The doctor sued John James Woods for the recovery of £15—damages for loss of cow.

Mr. W. Kay appeared for the plaintiff, and Mr. R. Bugty for the defendant.

Plaintiff said he was formerly the owner of a roan cow, which he had kept for domestic purposes. On March 6, in response to a message he received, he went to Woodville-road, South Granville, where he saw his cow, with one of its legs broken. He had to have the cow destroyed, after it had been seen by a veterinary surgeon. The cow had cost him £12. He had been told he would have to pay for the removal of the cow, though he had not yet received the bill. He valued the cow at about £15.

Mr. Bugty: Do you know that, about two months before this accident, cows were selling for 50/- and £3 a head?—No.

In reply to further questions, plaintiff said the cow was being driven to Merrylands, by a man named Jones. When he (plaintiff) saw the cow, it was standing up.

William Henry Jones, employed by the plaintiff, said that about two months ago he was driving a cow along Woodville-road. Suddenly, he heard a motor vehicle behind him. Looking round, he saw a Ford motor lorry about ten yards away. Before he could do anything, the radiator of the motor lorry struck the cow from behind. He (witness) jumped on to the footpath. The sounding of the horn and the striking of the cow were practically simultaneous. The lorry was travelling at least fifteen miles an hour. The cow was knocked down, and dragged along on its front knees. Its near side hind leg was broken. He said to the driver of the lorry, "You know, that's not my fault." The driver replied, "Oh, well, we'll see what can be done about it."

Mr. Bugty: Have you had any experience with cattle?—Not too much.

Do you know that, two months before the accident, cows were being sold here for 50/- and £3 a head?—No. But there are cows and cows.

How far was the lorry away from you when you turned your head?—About ten yards.

Was it then you heard the horn blown?—No; the horn was not blown until the lorry hit the cow.

Was the defendant on his right side of the road?—No; he should have been pulling out.

How far from the footpath was the cow struck?—Nearly two yards.

How far did the lorry drag the cow?—About five or six yards.

Did it knock the cow down?—It knocked it on to its front knees.

Do you know that, according to the local ordinances, you are only allowed to drive cattle along that road between 5.30 p.m. and 8.30 a.m.?—No.

Arnold Readford, a manufacturer, residing at Granville, said he was driving a sulk along Woodville-road on March 6. He passed a man driving a cow, and then passed a motor lorry. Hearing the horn blow, he looked round, and saw the cow leaving the front of the lorry, which seemed to be towards the middle of the road.

Defendant said he was a carrier, and had followed that occupation in Sydney

Defendant said he was a carrier, and had followed that occupation in Sydney and suburbs for twenty-five years. During that period, he had never had an accident, nor been charged with any breach of the traffic regulations. For the last thirteen months, he had been driving a motor vehicle.

On March 6, he was driving along Woodville-road, in the direction of Parramatta. He was travelling about eight or nine miles an hour, when he saw a man driving a cow in the same direction. When he drew close to the man, he sounded the horn, and pulled out to the middle of the road. When he was five or six yards from the cow, it seemed to take fright at something on the road, and it jumped straight across to the middle of the road. The near-side mudguard hit the cow. He applied the brake, and pulled up the lorry in its own length. The cow was not knocked down.

"After the accident," said defendant, the man with the cow walked over to me, and said 'Her leg is broken.' My wife said 'That's a terrible thing.' The man said 'I am satisfied it is not your husband's fault.' He turned to me, and said 'I am satisfied the fault is not yours.' That cow is not mine; it belongs to Dr. Macpherson. When I got back, I reported the matter to the police at Fairfield. I could not have done any more than I did to avoid the accident."

In reply to Mr. Kay, defendant said the lorry was a new Ford truck, which he had out for the first time on March 6.

Mr. Kay: How far were you away when you saw the cow?—About two hundred yards.

Who's paying the costs of this case?

Mr. Bugty: I object.

His Honor: The question has no bearing on the case.

Mr. Bugty: I can assure my friend "Smith's Weekly" is not paying the costs. (Laughter.)

Elizabeth Woods, wife of the defendant, corroborated her husband's evidence.

In reply to Mr. Kay, she said she had no idea what frightened the cow.

Plaintiff was given a verdict for £11.